

## 0510.34 Joint Evaluation Committee Procedure (JEC) – *Pre-Award*

Issued October 31, 2007

SUBJECT: Joint Evaluation Committee Procedure (JEC) – Pre-Award

APPLICATION: Executive branch departments and sub-units.

PURPOSE: To specify the process by which Purchasing Operations, establishes a Joint Evaluation Committee and manages the evaluation process to assist in evaluation and selection of a prospective contractor.

CONTACT AGENCY: Department of Management and Budget (DMB)  
Business Services Administration  
Purchasing Operations (PurchOps)

TELEPHONE: 517/335-0230

FAX: 517/335-0046

SUMMARY: A Joint Evaluation Committee (JEC), chaired by staff from PurchOps, may be established to conduct pre-proposal conferences, schedule oral presentations by prospective contractors and evaluate proposals in response to an Invitation to Bid (ITB) or Request for Proposal (RFP) relative to the evaluation criteria published within the solicitation (see Evaluation procedure 0510.04). Since this body serves in an advisory capacity to the Director of PurchOps, the decision of the JEC becomes an award recommendation to the Director of PurchOps, DMB Business Services Administration.

A JEC will generally consist of between 3 and 6 members. The size and make-up of the JEC is the responsibility of PurchOps. Although JEC composition is based on consultation with and recommendations from the requesting department, PurchOps will make the final determination regarding committee members. The initiating department or agency shall not have more than a majority (50%) voting representation on a JEC. In the case of Information Technology (IT) related JEC's, the 50% representation for the initiating department will be inclusive of both Department of Information Technology (DIT) voting members and end using agency voting members (unless granted exception for a particular project), as DIT is paid for their services on each project by the end using agency, and thus should be included as agency representation for bid evaluation purposes. **No person representing the requesting agency may serve on a JEC as a voting member if they are in a direct supervisory relationship to another JEC voting member.** PurchOps also has the authority to remove a JEC member (voting and/or non-voting), if it is determined to be in the best interest of the State or project.

Exceptions to the above may be allowed if it is determined at the sole discretion of PurchOps to be in the best interest of the State. On the rare occasions an exception may be considered, decision making capability surrounding such exceptions shall be based on signature authority policy within PurchOps. In consideration of a direct report exception, the request will be discussed with the individual in the subordinate role independently to assess potential adverse impact on their ability to offer an objective review under supervisory pressure and scrutiny, prior to consideration of the exception request.

The Contract Compliance Inspector (CCI) should be involved in the drafting of the initial requirements upon which the solicitation is based (see procedure

0510.31 Statement of Work) and as such should be a voting member on the JEC for selection of the entity(ies) to be recommended for award of any resulting contract(s). The individual selected as CCI should be chosen based upon program knowledge, ability to manage contract monitoring responsibilities, and understanding of day to day demands of the contract, rather than individual's title or status within an organization.

When appropriate, JEC members may be recruited from outside of State government, including both public and private organizations. Evaluations of proposals under consideration are limited to individuals named to serve on the JEC. However, it may be necessary from time to time to engage the services of a consultant or technical expert (advisors) to provide assistance, comments, and/or recommendations to the JEC or to individual members of the JEC. Such individuals will not be allowed to vote on the JEC unless they are also named members of the JEC.

JEC members and advisors will be provided with the names of the vendors having submitted proposals. Since their actions may result in the issuance of a State contract, committee members and advisors are required to sign a Conflict of Interest and Disclosure Form which certifies that neither they nor any member of their immediate family has any personal, financial, business or other conflict of interest with any of the vendors. If the member or advisor has served as a contract administrator or CCI, and had previous dealings with any of the vendors, this in itself will not be considered a conflict of interest. Non-voting stock ownership in a responding company may not be considered an item of conflict, provided the evaluator gives the assurance that the dividends earned from the particular company stock are either not specifically distinguishable as part of a larger mutual fund, or are of an amount which is insignificant to impacting an award recommendation.

While it is understood that JEC members will need to keep their supervisors and others in the department aware of the status of certain projects, JEC members are required to keep all comments and discussions relative to the evaluation of proposals and award recommendation confidential until a notification of award has been made by DMB PurchOps. JEC members and advisors will be required to sign a Confidentiality Agreement Form certifying that they will not divulge any information to an unauthorized person, in advance of the time prescribed for its authorized release to the public. This includes co-workers, supervisors, family, friends, etc.

Final proposal analysis and recommendations are the responsibility of the JEC scoring members as documented by the JEC Chair (PurchOps buyer). In the event the PurchOps buyer is not in agreement that the consensus position of the JEC scoring members represents the results of a fair and equitable evaluation based upon the published criteria, the PurchOps buyer chair reserves the right and authority (based on Signature Authority Policy), to override the JEC and make an alternate recommendation to the Director of PurchOps. In the event of an override to a recommendation, the buyer will notify both the requesting agency and the appropriate PurchOps management of their decision and the basis for it, providing PurchOps management with whatever documentation they may require from the solicitation process for review of the decision. These activities are conducted based on signature authority; if the recommendation falls within the buyer's signature authority, additional management approval is not required until submittal of the bid tab for Administrative Board approval.

AND PROCESSES: Bidder/Vendor responses  
Civil Service Annual Conflict of Interest Disclosure  
JEC Conflict of Interest and Disclosure Form  
JEC Confidentiality Agreement Form  
JEC Invite Letter template  
Evaluation Summary/Synopsis template  
Oral Presentation/Clarification Process templates  
MAIN Electronic Documents & Processes:  
• Invitation to Bid-ITB (PCHL2311) with all attachments and addendums  
DMB PurchOps Procedures & Policy Letters:  
• Evaluation Checklist  
• Signature Authority Letter  
• Cost Over Estimate Approval  
• PurchOps Internal Procedures for evaluation  
• Procurement Definitions document  
• Contract Folder Tab 3

APPROVALS: Agency & PurchOps: Internal approvals must be obtained and documented according to agency policies and procedures, including provisions surrounding delegated and signature authority.

#### PROCEDURES:

##### PurchOps:

- Works with the requesting agency to develop a list of JEC participants. If the resulting contract is Statewide, solicits participation from more than one agency.
- May solicit participation of individuals, from other departments or from governmental, educational or private institutions, who have the necessary knowledge, education, objectivity and experience to render fair and impartial service.
- Notifies each member of the JEC of his/her selection and provides each member with a copy of the ITB/RFP and addendums, a schedule of JEC activities and dates (JEC invite template).
- After bidder responses are received, provides to each JEC member: a Conflict of Interest and Disclosure Form listing all bidder's names; a copy of each proposal which meets the submission requirements; a Confidentiality Agreement Form, and the sample scoring sheet or evaluation criteria (evaluation summary/synopsis template).
- 

##### JEC members:

- At the request of PurchOps buyer, participates in pre-bid meeting, and/or question and answer preparation.
- Reviews the list of bidders, completes the conflict of interest and disclosure statements, and returns them immediately to the PurchOps buyer. The PurchOps buyer must also sign and maintain these documents.
- Review the proposals provided by the PurchOps buyer.

##### PurchOps:

- Collects completed Conflict of Interest and Disclosure Forms and Confidentiality Agreement Forms. If a JEC member has indicated a conflict of interest, appoints a replacement member who has no conflict of interest.
- Conducts pre-JEC meeting to explain the process, establish the ground rules, and discuss the schedule. (Although this step is not mandatory, it is recommended that the items typically covered in a pre-JEC are addressed with all JEC members in some fashion, whether by phone, email, instruction documents, etc.
- Advises members as to how the JEC functions, and how the evaluation process works.
- Convenes the JEC, and serves as the chairperson.

- PurchOps is the sole point of contact during the entire process.

#### JEC:

- Discusses each proposal in detail at the JEC meetings using the evaluation criteria, to determine if each proposal addresses the requirements of the ITB/RFP and how each proposal addresses the areas listed in the evaluation criteria stated in the ITB/RFP.
- An Award Summary document is compiled by the PurchOps buyer that reflects the consensus evaluation results of the JEC (evaluation summary/synopsis template). This evaluation summary becomes part of the permanent record of the solicitation (purchasing package). Evaluation of proposals by consultants or technical experts will also be part of the official purchasing package. In evaluating proposals, final evaluation notes used in the discussion are considered public record and will become part of the official purchasing package if they exist, as well.
- Determine if oral presentations of the proposals, site visits, initiation of a best and final offer (BAFO), or clarifications are necessary. PurchOps schedules oral presentations, site visits, or seeks clarifications, if required.
- Attend and evaluate oral presentations and site visits, if held. Review and evaluate clarification and/or BAFO results, if conducted.
- If the evaluation criteria provides for a separate price analysis, determine which proposals meet the criteria for consideration of price. The prices are evaluated using the criteria in the ITB/RFP.
- Make an award recommendation to the Director of PurchOps.
- Keep JEC evaluation and discussions confidential until a notification of award has been made by PurchOps, and notice has been sent to all responding vendors.

#### PurchOps:

- Prepares a collective evaluation summary including a recommendation for award for approval by all JEC members (may be prepared and distributed for approval after the meeting). After all JEC members approve the award summary (via signature or email concurrence), forwards the recommendation to the Director of PurchOps. Proceeds with appropriate next steps in the contracting process (see procedure 0510.35 Award Recommendation).
- The JEC PurchOps Chair (based on Signature Authority Letter), has the authority to override the consensus recommendation of the JEC, if in their opinion the State's interests would be better served through an alternative recommendation. Considerations surrounding the State's best interests include maintaining the integrity of the purchasing process itself.

#### AUTHORITY: Relevant Acts:

- Public Act 431, of 1984 as amended (Governing Authority)
- Public Act 91, of 2005 (Service Disabled Vet Preference)
- Public Act 237 of 1988 (Reciprocal Preference Table)
- Public Act 112 of 1988 (Persons with Disabilities)

\* \* \*